



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,779	07/28/2006	Gordon Thelwell	5897-000029/US/NP	9918
27572	7590	07/06/2010		
HARNESS, DICKEY & PIERCE, P.L.C.			EXAMINER	
P.O. BOX 828			RODDEN, JOSHUA E	
BLOOMFIELD HILLS, MI 48303				
			ART UNIT	PAPER NUMBER
			3637	
			MAIL DATE	DELIVERY MODE
			07/06/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,779

Applicant(s)

THELWELL, GORDON

Examiner

Joshua Rodden

Art Unit

3637

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2009 and 28 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 61-71 and 74-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 61-71 and 74-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2006 and 10 September 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 04/28/10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-60, 72, 73, and 88 have been cancelled. Claims 62, 70, 84 and 85 have been amended.

Drawing Amendment

Applicant's proposed amendment to the drawings is not in compliance with 37 CFR 1.121(d):

Drawings: One or more application drawings shall be amended in the following manner: Any changes to an application drawing must be in compliance with § 1.84 and must be submitted on a replacement sheet of drawings which shall be an attachment to the amendment document and, in the top margin, labeled "Replacement Sheet". Any replacement sheet of drawings shall include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is amended. Any new sheet of drawings containing an additional figure must be labeled in the top margin as "New Sheet". All changes to the drawings shall be explained, in detail, in either the drawing amendment or remarks section of the amendment paper.

Drawings

1. The "replacement" drawing sheets received on 09/10/09 are Not Approved therefore, have Not been entered. The drawings appear to show New Matter in the form of the "Outer sheath (1001 as seen in Figure 10A)" and the "insert member (1002 as seen in Figure 10B)."

2. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the "chamfered edge 407 (See Page 14, Paragraph 3 of Specification)" and the "upper face 408 (See Page 14, Paragraph 3 of Specification)" and the "wall portions 503 (See Page 15, Paragraph 3 of Specification)" and the "planar wall surface 407 (See Page 15, Paragraph 3 of Specification)" and the "Off center Impact forces 1100 (See Page 22, Paragraph 2 of the Specification)."
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "outer sheath (**Claim 84**)" and the "insert member (**Claim 85**)" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The amendment filed 03/17/10 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- The addition of "Figures 10A and 10B" to the fourth paragraph on page 12.
- The addition of "Figures 10A and 10B" to the second paragraph on page 21.
- The addition of "1001", "as shown in Figure 10A", "1002", and "as shown in Figure 10B)" to fifth paragraph on Page 24, continuing to page 25.

Applicant is required to cancel the new matter in the reply to this Office Action.

5. The specification as filed on 07/28/06 is objected to because of the following informalities:

- Page 2, Line 1, the phrase "slab both" should be "slab, both"
- Page 2, First full paragraph, Line 6, "manoeuvre" should be "maneuver"
- Page 3, First full paragraph, Line 4, "whilst" should be "while"
- Page 3, First full paragraph, Line 7, "palletised" should be "palletized"
- Page 4, Second New Paragraph, Lines 1 and 8, "moulded" should be "molded"
- Page 6, Line 5, "minimise" should be "minimize"
- Page 6, Fourth full paragraph, Line 2, "he" should be "the"
- Page 22, Third Full Paragraph, Line 5, the phrase "distance a in" should be "distance in"
- Page 26, Line 1, the phrase "whilst" should be "while"
- Page 26, Second full paragraph 2, Line 7, "palletised" should be "palletized"
- Page 26, Fourth Full Paragraph, Line 1, the phrase "embodiments is manufactured" should be "embodiments are manufactured"
- Page 26, Fourth Full Paragraph, Line 2, "harbour" should be "harbor"
- Page 26, Fifth paragraph, Line 2, delete the phrase "it protects"
- Page 27, Second full paragraph, Line 2, the phrase "realises" should be "realizes"
- Page 27, Third full paragraph, Line 1, "whilst" should be "while"
- Page 31, Paragraph labeled as "iii)", Line 1, "Colour" should be "color"

- Page 31, Last full Paragraph, Lines 4-5, the phrase "the a applicant" should be "the applicant"

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 84 and 85 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 84 recites a "polycarbonate outer sheath which fits outside the outer shell." However, the specification as originally filed does not provide an adequate written description to enable one of ordinary skill in the art to understand as to how an outer sheath would fit around the outside of the outer shell. For example, the specification does not explain as to whether the outer sheath completely surrounds the column protector including the gap in the outer shell, or just the outer surface of the outer shell and not including the gap. Furthermore, the newly submitted drawing (Figure 10B) appears to show that the thickness of the outer sheath is the same or greater than the

thickness of the outer shell. The specification clearly does not identify a given thickness or shape which is required for the outer sheath to perform its function.

Claim 85 recites a "polycarbonate insert member inserted between the device and the front face of the column upright." However, the specification as originally filed does not provide an adequate written description to enable one of ordinary skill in the art to understand how the insert member would operate in conjunction with a column protector device and a column upright. For example, the specification does not provide a description of the insert that would enable one to understand what size insert is required to perform the given function. Furthermore, the specification does not provide a description as to what shape the insert would need to be in to perform the given function.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 65, 74, 78 and 79 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 65, Line 3, the phrase "edges, either side" should be "edges forming either side." This is to make it clear that the "either side of a gap" is in fact the "pair of substantially opposing edges."

Claim 74 recites "wherein said inner liner has a "U" shaped channel..." However, it is not clear as to whether this is supposed to be a different "U shaped channel" then the substantially "U" shaped channel as already recited in Claim 61.

Claims 78 and 79 recite "wherein said inner liner has a "U" shaped channel..." However, is not clear as to whether this is supposed to be a different "U shaped channel" then the substantially "U" shaped channel as already recited in Claim 61.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

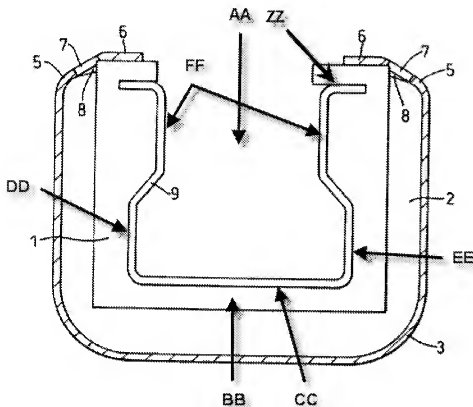
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 61-64, 71, 80-83, 86 and 87 are rejected under 35 U.S.C. 102(b) as being anticipated by U.K. Patent Application GB 2,321,688 A (Ian).

Regarding **Claim 61**, Ian teaches; **Claim 61** - a column protecting device (3) for protection of an upright column (9) of a racking system, (Figure 3); wherein the column (9) has a channel shaped cross section (AA) having a substantially rectangular front portion (BB) consisting of a front member (CC), and a first (DD) and second (EE) side member, (Annotated Figure 2 Below); the column protector device (3) being arranged to clip onto the upright column (9), (Figure 2 and Page 4, Lines 10-14); the protector device further comprises a rigid, substantially part cylindrical "C" shaped cross section outer shell (3), and an inner liner (1 and 2) shaped to fit within the outer shell (3), (Figure 2 and Page 3, Lines 3-8 of the specification); wherein the outer shell (3) is capable of fitting around the upright column so that the outer shell (3) retains to the column (9) without further fixtures, (Figure 2 and Page 4, Lines 10-14); the outer shell

(3) also surrounds the front member (CC) and partially surrounds (does not surround the tips labeled as ZZ) the first (DD) and second (EE) side members, (Annotated Figure 2 Below); the inner liner (1 and 2) being retained between the outer shell (3) and the column (9), (Figure 3); the inner liner (1 and 2) comprises a solid substantially part cylindrical member having a substantially part cylindrical outer surface (the outer corners of (2) are rounded and the inner liner is therefore part cylindrical), the inner liner (1 and 2) also having a substantially "U" shaped channel (the inner surface of the liner (1) touching the upright column (9)) formed on an opposite side of said inner liner to said substantially part cylindrical outer surface and in which, in use, said channel provides for a flush interface between the inner liner (1 and 2) and the upright column (9), (as seen in Figure 2); **Claim 62** – wherein each of the first and second side members (DD and EE) comprises an outer (DD and EE) and an inner side member (FF), (Annotated Figure 2 Below); the outer shell (3) when fitted to the column (9) surrounds the front member (CC) and said first and second side members (DD and EE), thereby protecting them, (Annotated Figure 2); the outer shell (3) partially surrounds the first and second inner side members (FF) so that the exposed upright edges (the end edges near item (6) in Annotated Figure 2) of the outer shell (3) lay adjacent to the sides of the column at a position where the column is relatively narrower, (Annotated Figure 2 Below); **Claim 63** – wherein, in use, the column (9) resides partially within a channel formed by the outer shell (3), (Figure 2); **Claim 64** – wherein said outer shell (3) comprises an elongate member having a substantially "C" shaped cross section, (Figure 2); **Claim 80** – wherein said inner liner (1 and 2) is capable of, after receiving an impact,

the inner liner (1 and 2) promotes the repositioning of the whole device to an original shape before the impact occurred, (Figure 2 and Page 4, Lines 3-8); **Claim 81** - the outer shell (3) surrounding the front member (CC) and partially surrounding (does not surround the tips labeled as ZZ) the first (DD) and second (EE) side members, and also surrounding the inner liner (1 and 2), which rests between a substantially part cylindrical inner surface of the outer shell (3) and an outer face of the front member (CC), an outer face of the first side member (DD) and second side members (EE), (Annotated Figure 2 Below); **Claim 82** - the inner liner and outer shell being slideable with respect to each other along a central axis of the outer shell, (Page 1, Lines 24-28); **Claim 83** - the outer liner and an inner liner being bonded together, (Page 2, Lines 1-5); **Claim 86** - the outer shell and the inner liner composed of polycarbonate and foam (Page 2, Line 8 and Page 2, Lines 6-7); both materials having greater ductility, and impact resilience then the shelving which is made from metal (Page 1, Lines 12-14); **Claim 87** - teaches the device being "capable of" fitting around the upright column so that the outer shell (3) retains to the column (9) without further fixtures, (Figure 2 and Page 4, Lines 10-15).



Annotated Figure 2

Regarding **Claim 71**, **lan** teaches column protector as described above (See Rejection of Claim 61 Above), in addition to teaching the outer shell being made from polycarbonate, (Page 2, Line 8). It should also be understood that the following materials are all well known in the art as substitutions for polycarbonate: resilient elastomeric polymer based materials; polyethylene; high density polyethylene; polypropylene; polyvinylchloride; polystyrene; plastic; or a mixture of plastics.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

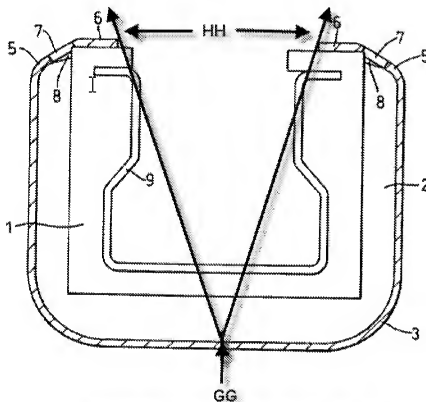
obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. **Claims 65-69 and 74-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.K. Patent Application GB 2,321,688 A (Ian).**

Regarding **Claim 65**, **Ian** teaches the outer shell (3) comprising a tubular part cylindrical member (3), (Figure 3); wherein the tube has a pair of substantially parallel opposing edges (the end edges near item (6) in Annotated Figure 2, Version #2 Below) on either side of a gap, (Figure 2). **Ian** does not teach the cylindrical member extending over an angle in the range of 260 to 280 degrees, but **Ian** does teach a range (HH) about a longitudinal centre line (GG) of the outer shell (3) which is very similar to the claimed range, (Annotated Figure 2, Version #2 Below). Therefore, the examiner points to case law *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 830, 225 USPQ 232 (1984). The court found that if the only difference between the prior art device and the claims was a recitation of relative dimensions and a device having those claimed dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior

art device (See MPEP 2144). It would have been obvious to one of ordinary skill in the art to modify the prior art device of **lan** to have the cylindrical member extending over an angle in the range of 260 to 280 degrees for the purpose of user design as it would not cause the device to perform differently.



Annotated Figure 2, Version #2 (lan)

Regarding **Claims 66-68**, **lan** teaches the limitations discussed above in addition to teaching various dimensional aspects of the claimed invention. **lan** does not teach the exact dimensional aspects as recited in claims 66-68. However, the examiner points to case law *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 830, 225 USPQ 232 (1984). The court found that if the only difference between the prior art device and the claims was a recitation of relative

dimensions and a device having those claimed dimensions would not perform differently then the prior art device, the claimed device was not patentably distinct from the prior art device (See MPEP 2144). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the column protector of **lan** with a height between 30-120cm, or an external diameter of 10-14cm or an outer wall thickness between 7-9mm since the column protector of **lan** would not perform differently then it would before with its previous dimensions.

Regarding to **Claim 69**, **lan** teaches the limitations as discussed above in addition to **lan** teaching a pair of opposing edges (6) spaced apart from one another at a given distance, (Figure 2). **lan** does not teach that given distance being between 5cm and 11cm. However, the examiner points to case law *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 830, 225 USPQ 232 (1984). The court found that if the only difference between the prior art device and the claims was a recitation of relative dimensions and a device having those claimed dimensions would not perform differently then the prior art device, the claimed device was not patentably distinct from the prior art device (See MPEP 2144). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the distance between the opposing edges of **lan** to be between 5cm and 11cm as this would not affect the functioning of the device of **lan**.

Regarding **Claim 74**, **lan** teaches the limitations as discussed above, in addition to teaching the outer surface of the U shaped channel of the inner liner (the inner surface of (1)) being separated a given distance from outer part cylindrical surface

(outer surface of liner (2)), (Figure 2). **lan** does not teach the given dimensions being in the range of 2 to 5cm. However, the examiner points to case law *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 830, 225 USPQ 232 (1984). The court found that if the only difference between the prior art device and the claims was a recitation of relative dimensions and a device having those claimed dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device (See MPEP 2144). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the column protector of **lan** with a distance between the outer part cylindrical surface and the outer surface of the U-shaped channel between 2-5cm since the column protector of **lan** would operate equally the same with any desired dimensions.

Regarding **Claim 75**, **lan** teaches the inner liner being made from a compressive composite material, (Figure 2 and Page 2, Lines 1-7). Wherein, it should be understood that the Examiner takes OFFICIAL NOTICE that the following materials are all well known in the art as substitutions for a compressive composite material: polyethylene; polypropylene; polycarbonate; polyvinylchloride; polystyrene; natural rubber foam; synthetic rubber foam; closed cell SBR foam material.

Regarding **Claims 76 and 77**, **lan** teaches the limitations discussed above in addition to teaching various dimensional aspects of the claimed invention. **lan** does not teach the exact dimensional aspects as recited in claims 76 and 77. However, the examiner points to case law *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220

USPQ 777 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 830, 225 USPQ 232 (1984). The court found that if the only difference between the prior art device and the claims was a recitation of relative dimensions and a device having those claimed dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device (See MPEP 2144). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the inner liner of **lan** with a height between 30-120cm, or an external diameter of 10-14cm since the column protector of **lan** would operate the same with any desired dimensions.

Regarding **Claims 78 and 79**, **lan** teaches the limitations as discussed above, in addition to **lan** teaching the inner liner (1 and 2) being U-shaped and having a given width and depth dimension, (Figures 1(a) and 1(b)). **lan** does not teach the exact dimensional aspects of the width and depth dimensions as recited in claims 78 and 79. However, the examiner points to case law *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 830, 225 USPQ 232 (1984). The court found that if the only difference between the prior art device and the claims was a recitation of relative dimensions and a device having those claimed dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device (See MPEP 2144). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide "U" shaped channel of the inner liner of **lan** with width in the range of 7 to 12 cm, or a depth in the range of 2 to 4cm since the column protector of **lan** would operate the same with any desired dimensions.

Response to Arguments

16. Applicant's arguments filed 09/10/09 have been fully considered but they are not persuasive.
17. In regards to the Drawing Objections in the Non-Final Rejection filed on 03/11/09, the applicant states:

"Applicant has attached revised drawings for the Examiners Approval....

Applicant has made the appropriate correction, thus rendering the objection moot."

However, the drawings filed on 09/10/09 have not been entered.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Josh Rodden whose telephone number is (571) 270-5222. The examiner can normally be reached on M-Th 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on (571) 272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Michael Safavi/
Primary Examiner, Art Unit 3637

/Joshua Rodden/
Art Unit: 3637